

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY, *et al.*,)
)
 Plaintiffs,)
)
 vs.)
)
 OBTEEN N. NASSIRI, D.C, *et al.*,)
)
 Defendants.)

Case No. 2:08-cv-00369-JCM-GWF

ORDER

This matter comes before the Court on non-party witness Adam S. Kutner's Emergency Motion to Modify Scope of Trial Testimony (#548), filed on May 24, 2013. Plaintiffs filed a Response (#585) on May 31, 2012.

Mr. Kutner has been subpoenaed to testify at the trial in this matter set to commence on June 3, 2013. Mr. Kutner moves the Court to limit his trial testimony by (1) limiting the scope of the testimony to those same subjects the Court identified as appropriate for Mr. Kutner's deposition; (2) not allowing Plaintiffs to ask any questions to which Mr. Kutner objected during the deposition at the instruction of his counsel; and (3) allowing Mr. Kutner's counsel, Mark A. Hutchison, to appear at trial and lodge any necessary objections to ensure the testimony's limited scope. The scope to which Mr. Kutner seeks his trial testimony be limited was fully set forth in this Court's March 1, 2011 Order (#281) and the District Court's June 23, 2011 Order (#334), and is hereby incorporated. Mr. Kutner further represents that Mr. Hutchison, a state legislator, is only available to appear at Mr. Kutner's testimony on June 10, 11, and 12th.

Plaintiffs' only objection to Mr. Kutner's Motion (#548) is Mr. Kutner's request that the Court preclude Plaintiffs from asking any questions to which Mr. Kutner objected during his deposition. Plaintiffs note that while they cannot guarantee when they will call Mr. Kutner at trial, they will expend

every effort to accommodate Mr. Hutchison's legislative schedule. The Court will not impose limits on the time-span during which Plaintiffs may call Mr. Kutner to testify. However, based on Plaintiff's limited opposition to Mr. Kutner's requests,

IT IS HEREBY ORDERED that Adam S. Kutner's Emergency Motion to Modify Scope of Trial Testimony (#548) is **granted** in part and **denied** in part as follows:

- (1) The scope of Mr. Kutner's trial testimony shall be limited to the same scope set forth for his deposition by this Court's March 1, 2011 Order (#281) and by the District Court's June 23, 2011 Order (#334);
- (2) Plaintiffs shall be permitted to ask questions to which Mr. Kutner objected during his deposition, and;
- (3) Mr. Kutner's Counsel, Mark Hutchison, shall be permitted to appear at trial during Mr. Kutner's testimony. However, it shall remain in the District Judge's discretion whether to allow Mr. Hutchison to lodge objections during the testimony.

DATED this 31st day of May, 2013.



GEORGE FOLEY, JR.
United States Magistrate Judge